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ABSTRACT

This paper attempts to explain the educational and legal implications of New Jersey's 1975 Public Education Act, which was designed to meet the New Jersey Supreme Court's mandate in the landmark case of Robinson v. Cahill. Because the state constitution requires establishment of a "thorough and efficient" educational system, the court ruled that each child must receive an adequate, as well as equal, education. The 1975 act considerably modified the state's educational system in response to that requirement. This paper summarizes the portion of the act that creates the foundation for operation of the state's educational system, as well as the Administrative Code designed by the State Board of Education to amplify that legislative foundation. Separate sections of the paper discuss the process-oriented philosophy of education that underlies the Administrative Code, the limitations of the process approach, the necessity for statewide minimum competencies as part of the process approach, and the role of the teaching profession in New Jersey's new educational system. (Author/JG)

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The New Jersey Education Reform Project
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THE NEED FOR STATEWIDE MINIMUM COMPETENCIES IN A THOROUGH AND EFFICIENT EDUCATION SYSTEM

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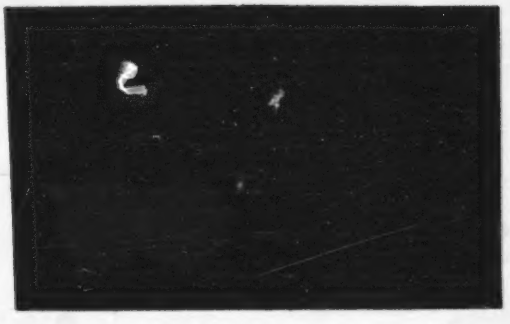
January 1976



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I. Introduction

The Robinson v. Cahill case is rather unique among the various lawsuits throughout the nation which have attempted to reform inequitable state school finance systems. In most states, the objective was to eliminate or at least narrow the differences in educational expenditures between property rich and property poor districts, in other words a focus on equality of educational "inputs". Because the New Jersey Constitution requires that every single child be afforded a "thorough and efficient" educational system, an additional reform goal in this state is that each child must receive an adequate education. To the focus on equality of educational input, has been added a focus on equality of educational outcomes. That may seem a rather commonplace notion, but is in fact a profound attack upon an institution which has served to perpetuate educational and economic inequality among its poor, urban and minority citizens.

On April 3, 1973, the New Jersey Supreme Court declared the present educational system unconstitutional and required the New Jersey legislature to develop a new system which would meet the constitutional requirement. On September 29, 1975, Governor Byrne submitted to the Court for its review, the 1975 Public Education Act which was designed to meet that mandate. The Act includes both a definition of the proposed system in operational terms, as well as a revised state aid formula.

The purpose of this paper is to provide New Jersey citizens with information which will assist them in understanding the implications of the Act for the education of their children. It includes a summary of that portion of the Act which creates the foundation for system operations, as well as a summary of the Administrative Code designed by the State Board of Education to amplify the legislative foundation. The NJERP has prepared other papers which analyze the adequacy of the revised state aid formula.

This paper describes the process oriented philosophy which underlies the Administrative Code. The process approach presumes that fundamental educational reforms will take place only when local citizens and educators combine to set local goals, objectives and standards. The result of that process should be general goals and standards which reflect the needs and aspirations of each individual community and therefore enjoy local support. However, the Administrative Code also requires that each district set minimum competencies in basic skills. Whereas it is desireable to permit local choice regarding certain educational goals, all districts do not have equal financial capability to choose freely from among alternative goals and values when they vary in cost. Therefore permitting districts with unequal resources to choose their own minimum competency levels will lead to lower competency levels in poor and urban districts than in wealthy districts. It is therefore necessary for the state to determine what those minimum competency levels should be, and to provide the services necessary to enable every child to achieve those minimums, regardless of the child's socioeconomic characteristics or geographical location.

II. Philosophy Underlying the Administrative Code

Underlying the structure of the Administrative Code is the view that effective educational systems are more likely to result from an educational process which leads to local initiative, involvement and support than from directives issued by distant State bureaucracies, however well intentioned.

Emanating from this view is a primary emphasis on the local goal setting process, wherein parents, taxpayers, students, administrators and teachers ultimately arrive at a consensus of desirable general educational goals, based upon the particular needs, aspirations and circumstances of the community.

The next step is to move from general aspirations to greater specificity by developing objectives. For example, whereas a goal might be that every graduate must be able to read, a specific objective might be that every graduate be able to read a newspaper or a tax return or an employment application.

One must then ask the question how well should a graduate be able to read a newspaper, and that gets us to the development of precise standards. For example, one might want a graduate to be able to read aloud a 50 word paragraph from the Newark Star Ledger with no more than 2 pronunciation errors, or summarize the paragraph in 20 words with no more than one spelling error. Moving from general goals to specific standards in skill areas such as reading and mathematics is difficult enough, but some districts consider the most important local goals to be in the affective domain - such as "to help the student lead a productive life", or "to help the student accept his strengths and weaknesses". Setting specific objectives and standards for such broad but desirable goals is even more difficult. Nevertheless, the underlying view of the process approach is that in the struggle to move from general goals to specific objectives, a learning process will take place whereby parents, teachers and students, will understand each others personal aspirations as well as the practical constraints of human ability and limited resources. The final result should be a reasonable set of goals, objectives and standards, which (and this is most important) has the support of all the participants, because they created it and understand how and why it was arrived at. The culmination of such a process is the active involvement of teachers and parents and taxpayers and children and administrators in nurturing the development of their own creation.

Once this stage has been achieved, the next step recommended by the Administrative Code is to assess through a variety of possible test instruments, the current level of reading or mathematics or extent to which children "are leading productive lives", in order to identify the gap between where children actually are and where the community

wants them to be, in order to develop programs which strive to overcome those gaps.

The cycle which has just been described literally goes on forever, as continuous assessment identifies new gaps and as periodically, new goal setting efforts take place in order to update the entire system on the basis of recent changes in local needs, aspirations and circumstances.

The Department is not unaware that there are large numbers of children in New Jersey who although they possess high school diplomas do not possess adequate skills to enable them to obtain meaningful employment or go on to advanced education. In the Department's view, a successful implementation of the Administrative Code's process approach will also develop solutions to their particular problems as well as to the more general problems of education.

III. Limitations of the Process Approach

Thoughtful individuals must concur with the philosophy which underlies the Administrative Code. Long run improvement in educational systems is most likely to flourish in a process oriented system. The mandates of a centralized bureaucracy are less likely to be understood, appreciated, supported or implemented than local decisions, collectively arrived at. Nevertheless, there are limitations to the process approach which should be addressed.

Fortunately, one can examine the history of a small New Jersey school district which has been involved in such a system for the past several years. The district has 2,000 children, less than average property wealth and is essentially a white working class community. The district has a stable and experienced administrative and teaching staff. Only two budgets have been defeated in the past 16 years by a very supportive community, which is clearly pleased with the district's educational achievement.

The district received a $320,000 Title III grant (averages $160 per pupil) to implement the kind of process system described in the Administrative Code. The grant provided for a full time director and two full time computer personnel. The director was an experienced teacher and principal who had trained as a planner. The grant provided for the purchase of a small computer and for secretarial help, aides, material, etc.. The district is now entering the fourth year of the program. How far have they come?

The first year was spent exclusively on the development of general goals, both district wide and for each of their three schools, and included comprehensive and intensive community involvement. In the second year, they developed a computer system designed to enable teachers to obtain rapid assessment feedback on pupil progress. They also tried to develop specific objectives in each program area, which addressed

the general goals established in the first year. Only mathematics and language arts out of dozens of programs have successfully completed this first hurdle. Even those two programs, which are the easiest to objectify, met great teacher resistance and confusion, before they began to make progress. It may very well take this district ten years of continued hard work by administrators, teachers and citizens to develop an integrated system of goals, objectives and standards.

The district's emphasis on program improvement, although immensely valuable from one point of view, suffers certain limitations. For example, while computer analyses of classroom results are rapidly fed back for teacher analysis and correction of classroom activities, the data only show how the class is performing as a whole on particular questions. In order to focus on how individual children are doing, a special extra effort is required. As a result, when a class is generally doing well, it is easy to overlook those individual students who are doing poorly. Whereas a good teacher may seek out those children, a poor teacher, or a teacher who feels that certain low achievers are doing as well as can be expected, may not. Inasmuch as some teachers tend to expect less from poor children and minority children, the emphasis on program evaluation can easily result in a continuation of lower achievement by such children. If the data system itself makes it difficult for concerned principals, superintendents and state officials to identify individual underachievement, corrective action may not be readily forthcoming. The development of systems which identify individual children who fall below minimum competency standards, is therefore essential, even when a district does in fact have a sophisticated and successful process approach, as well as computer assisted assessment.

The point here is not to criticize this district's lack of success. Quite the contrary. They have been very successful. The point is that such a process requires a great deal of time, money and probably most of all of skilled and committed people. It requires a superintendent who fully believes in the system, and a skilled administrator to implement it. It requires a supportive board, supportive and involved parents taxpayers and students and above all an administrative and teaching staff which is at least open to change if not actively supportive of such a program. And even then it may overlook the very low underachievers.

How many of New Jersey's 600 districts meet that description? To the extent that a district varies from the ideal district described above, the State Department's process approach will take not 5-10 years but 15-20 years to achieve the changes envisioned by the architects of the Administrative Code. Although the State Education Department plans to issue manuals for districts to follow, and conduct training workshops, and even

visit districts to provide technical assistance, the Department has very limited resources and personnel to carry out this task. However, even if the Department were adequately staffed, in the long run, successful implementation relies upon the attitudes and skills of the district itself. Many districts may never achieve the Department's anticipated educational improvement goals.

That is not to say there will not be a great deal of activity. The Administrative Code calls for a great deal of activity: goal setting, objectives setting, assessment, new programs, annual reports, self and state evaluation, etc. etc.. Those professionals with skills in these fields will be kept very busy. Teacher colleges with declining enrollments would be wise to offer programs in educational planning. But the question is not whether there will be a great deal of activity but whether there will be a great deal of change. That is uncertain, even if the process approach is implemented with the full understanding that it may take a district from 5 to 20 years to achieve state goals, and only if well supported in both human and financial terms. However the American tendency to expect great results within several years at most, a tendency which has seen the nation, states and districts run from one "fad" to another in a desperate search for instant success, leaves one concerned about the ultimate staying power of the new Administrative Code. It is not unreasonable to predict that in several years, due to insufficient human and financial support, and our notorious impatience, the process approach to creating educational change may enter the educational graveyard along with our other white elephants, John Dewey's progressive education, humanistic education, career education and open education, adding one more tragedy to our long list of tragedies in education.

For most of New Jersey's parents and children, the demise of "T and E" will go unnoticed, but thousands of cynical teachers and administrators will say "I told you so", and the process approach will not be spoken of again in polite circles for several decades. And for most of New Jersey's children, it may really make no difference. They will continue to receive a reasonably good education, and follow their parents' footsteps into gainful employment or higher education.

But what of the have-nots of New Jersey? They will still have not. Many will still be graduating (if they haven't already dropped out) as functional illiterates who can not compete for jobs, and who if admitted to college can not succeed without substantial remediation. Generally confined by social and economic inequality to the state's poorest school districts, they will send their children to those schools and perpetuate their own educational and economic disadvantages. It is concern for this group of children which is at the root of the criticism of the State Department's exclusive reliance upon the process approach.

IV. The Necessity for Statewide Minimum Competencies as a Part of the Process Approach

What are the dimensions of the underachievement problem? From a N.Y. Times article of November 26, 1975, we read that a United States Office of Education report states that "more than 23,000,000 adults throughout the United States are functionally illiterate, meaning that they are unable to do such things as read help wanted ads or make the most economical purchases". Coming closer to home, a Newark Star Ledger article of June 1, 1975 stated that according to the results of New Jersey's third statewide educational assessment, New Jersey's children showed marked deficiencies in basic reading and computational skills, and children in the center cities invariably performed the worst. Dr. Gordon Ascher, the director of the state's assessment program said "the results of the latest round of test scores amount to a 'failure' of the public schools to teach the basic skills tested on the examination". (Newark Star Ledger - June 7, 1975)

Fortunately, the expansion of public higher education during the affluent sixties led to open admissions programs which took responsibility for helping underachieving high school graduates to raise their basic skill competencies to the levels necessary to succeed with college material. But now that higher education is beset by budget reductions and the need to limit admissions, minimum academic standards are being introduced. City University of New York would require those with less than a 75% high school average, or in the bottom 1/3 of their graduating class to take a special test to prove they have at least an 8th grade reading and mathematics ability in order to enter their open admissions program. Ralph Dungan, New Jersey's Chancellor of Higher Education, is seeking a new admissions policy which would limit admission to students who demonstrate minimum competency in reading and mathematics. This was seen as "a slap at the State Board of Education for its failure to include minimum competency standards in the public schools....as part of the....thorough and efficient legislation." (Newark Star Ledger - November 26, 1975)

It is well known that the most serious educational underachievement in New Jersey, as elsewhere in the United States, is found among poor and minority youth, particularly those living in urban areas which have the highest concentrations of such children. For a few short years, higher education began to take steps to overcome the inadequacies of public school education, at least for those who still had enough confidence to go on to college. Is that small door now also being closed?

It is clear that the public schools are failing miserably to provide equality of educational opportunity to poor urban and minority youth. Even the minimal remedial efforts afforded by our colleges may be withdrawn. To ask those urban and minority children now in our public schools to sacrifice their own futures and to wait 5,10,15,

or 20 years to see if the process approach may result in changes which will benefit their children is really too much, particularly while their more affluent peers continue to receive perfectly adequate educations and job opportunities. If there were no other possible way, then one might be patient. But there are other ways.

On June 25, 1975, the Advisory Committee of the New Jersey Education Reform Project made the following recommendation to the State Board of Education (See Appendix for complete memorandum).

For each child who falls below the statewide minimum standards in one or more of the basic skills, the local district shall follow this sequence of events:

a) Retest child to validate accuracy of test results.

b) Notify parents.

c) Develop a program of instructional and other services which is designed to enable the child to achieve at least the minimum standards appropriate to the child's age, and send a copy of the program to the child's parents.

d) Conduct follow-up assessment at least bi-monthly and report results to parents.

Since this memorandum was issued, the concept of statewide minimum competency standards has received increasing support. It is especially illuminating to see that in addition to the minority community itself, the two most outspoken supporters are those institutions which must deal with the results of inadequate education, namely the business community and higher education. Major opposition has come from the leadership of the NJEA for a variety of complex reasons which will be discussed later.

On November 14, 1975, the New Jersey Manufacturers Association issued a statement to the State Board of Education calling for the development of statewide minimum competency standards.

> The problem of functional illiteracy, the enrollment of a large number of New Jersey's college freshmen in remedial college courses, and the army of unskilled individuals on unemployment rolls are unmistakable signs of failure. Unless basic skills are mastered early in a child's schooling, progress through advanced subject matters is discouraged and the process of schooling becomes one of defeat and humiliation. Schooling which fails to produce mastery of the basic skills fails to produce individuals who can compete in the labor market or function successfully as citizens.

On December 7, 1975, the president of Passaic County Community College, in the heart of urban Paterson, expressed views identical to those of Chancellor Dungan. Dr. Mellander said that the lack of minimum standards of competency perpetuated "crimes against society - and against generations yet unborn" (Newark Star Ledger, Dec. 7, 1975). He urged that the State Board impose reading and math standards as part of the new public school reform act. The growing support for this view led to the most recent change in the Administrative Code, a change which included some of the NJERP proposed language,

but took out its heart

6:8-3.8 Pupil minimum proficiency levels and remedial programs.

a) The district board of education, after consultation with the chief school administrator and teaching staff members, shall establish reasonable pupil minimum proficiency levels in the basic communication and computational skills.

b) Each pupil shall be assessed, upon entrance into the educational system and annually thereafter, to identify pupils not meeting minimum proficiency levels. Such assessment shall be part of the total assessment procedure set forth in N.J.A.C. 6:8-3.4

c) Remedial programs shall be established to assist pupils performing below the established minimum levels of pupil proficiency in the basic areas of communication and computational skills. These programs shall include:

1. Instruction and services to meet pupil needs.
2. On-going communication between teaching staff members and parents or guardians of pupils participating in remedial educational programs.
3. Evaluation procedures which measure pupil achievement related to remedial educational program objectives and standards.
4. Evaluation of the effectiveness of remedial educational programs.

The critical element left out of the Administrative Code was the NJERP recommendation for statewide minimum standards. It was replaced with the authorization that every district set its own minimum standards. However, those districts with the largest concentrations of underachieving children, also have the least taxable property wealth, and are least capable of raising the resources necessary to help their underachieving children. As a result, many of those districts will continue to set lower minimum expectations for poor and minority children than are being set for their suburban peers, thus perpetuating present educational disparities. However, the Administrative Code calls for a state department review of standards as follows:

> As part of the annual district and school classification procedure, the state department of education shall monitor the district board of education's pupil minimum proficiency levels and the rate of pupil growth in achievement with particular attention to services and remedial educational programs for the basic communication and computational skills.

Shouldn't one therefore be confident that the State Education Department will make sure that low wealth districts do not set lower minimum standards than high wealth districts? On November 5, a State Education Department Committee made a proposal at a meeting of a few members of the State Board of Education and about ten members of the Joint Committee of the Public Schools, on the subject "Recommended Procedures Regarding State Monitoring of Local Districts' Minimum Pupil Levels of Proficiency in the Basic Communication and Computational Skills." (See Appendix for complete memorandum).

The key paragraph in the memorandum reads as follows:

1. Standards or minimum levels of proficiency established by local districts and schools for program objectives which are <u>easonable in relation to pupils and school resources</u>. (underlined for emphasis, not in original).

This memorandum was strongly supported by the Commissioner and the President of the State Board of Education and approved in an informal vote by all but one of those present. As a result, it was clear that the State Education Department not only permits, but encourages different minimum competency levels for children in low wealth and high wealth districts. On November 19, 1975, the NJERP sent the following memorandum to Commissioner Burke, expressing its concern:

> The recommendations contained within the subject memorandum are grossly inadequate for a variety of reasons:
>
> 1. It is recommended that minimum proficiency levels be "reasonable in relation to pupils and school resources." In the first instance such a requirement would lead to minimum competencies which vary based upon either the past underachievement of children or the distorted use of "intelligence" tests or the judgement of teachers and administrators with respect to the potential of individual children and groups of children. Clearly such practices will perpetuate current practices wherein expectancies for poor and minority children are lower than for their wealthier majority peers. Secondly, such a view of minimum competencies turns upside down the New Jersey Supreme Court's view of the State's educational obligation. The State is obliged to provide a "thorough and efficient" education for all children, and to develop a funding formula which ensures that each district can provide such a system. To suggest that minimum standards be based upon local resource capability, rather than a clearly defined statewide expectancy for all children, is to fly in the face of the constitutional requirement.
>
> 2. The November 5 memorandum recommends that "perhaps, after studies are conducted and findings are evaluated over a period of no less than three years, the Department will recommend to the State Board the establishment of statewide minimum competency standards." There is a wide view among professional educators, both within and outside the State Department of Education, that minimum competency standards could be established within three to six months of the establishment of a task force organized for that purpose .

It is therefore suggested that the Administrative Code be revised now, to include the requirement for statewide minimum competency standards as recommended in our letter to Senator Wiley of October 10 (see attached). It is further suggested that a task force be created immediately not for the purpose of studying the feasibility of statewide minimum standards but for the purpose of actually creating those standards and that the work of the task force be conducted at the same time that the implementation of the Administrative Code is being piloted. The task force will be able to benefit not only from the views of consultants, teachers, parents, administrators and employers, but from the actual experiences of the pilot districts. The work of the task force should be scheduled to be completed at the same time as the pilot program in order that specific statewide minimum standards can be prescribed at the time that the Administrative Code is implemented throughout the state.

It is difficult to understand how the writers of the November 5 memorandum can suggest that their proposal is an "accountability model which has, as its primary focus, educational planning for school districts based on the needs of pupils", when at the same time it suggests that standards be reasonable in relation to "school resources" with the knowledge that school resources vary greatly from district to district as a function of the property wealth of those districts. The purpose of establishing minimum standards is not as the memorandum suggests, to "shift to the school system the blame for society's inaction on a host of economic and social reforms." The purpose is to establish educational practices which do in fact meet the "needs of pupils." It is clear that the establishment of local minimum standards is in no way directed towards the "needs of pupils" but is predicated on the assumption of continued inequality of local school resources, an assumption which is inconsistent with the New Jersey Constitution.

It is becoming increasingly clear that New Jersey will not be able to make a dent in the huge educational achievement gap between urban and minority youth and suburban youth without the imposition of statewide minimum competency standards. Such a step will certainly not eliminate that gap, but it will be a beginning, but only a beginning, towards the ultimate goal of equality of educational opportunity for all groups of children. It is insufficient to hope that the process approach will result in adequate goals, objectives and standards in all districts, when all districts do not have the same resources, skills or expectations for their children. Obviously it is not the intent of the State Education Department to encourage goal setting beyond the resource capabilities

of low wealth districts. Under those circumstances, the following incident bears thoughtful examination.

In discussing the educational implications of the 1975 Act with one urban Superintendent, the subject quickly shifted from minimum proficiency levels to his greater interest regarding an anticipated few hundred thousand dollars in additional state aid which he could use to lower his town's taxes. However the town does have a real dilemma. It is a very low wealth community with very high taxes. Residents must have tax relief. But the district's children are among the lowest in educational achievement in the state. The district also spends much less per child than most districts. In other words, a rather typical urban problem. Given a higher priority for tax reduction than for educational improvement, what kinds of goals and standards should we expect? Given the State Education Department attitude, what can we expect if the district sets low goals and standards?

But in all fairness, this city may have to raise its expenditures substantially if it establishes high minimum competency levels. Previous NJERP analyses of the funding formula contained within the 1975 Act make it evident that poor urban school districts will not be able to increase their ability to finance educational improvement, primarily because the Act continues to give a large portion of limited state aid dollars to the state's wealthy districts. Is it possible that anticipation that the legislature would fail to redress the fiscal problems of low wealth districts is the major reason why the architects of the Administrative Code permitted "local control" of educational goals and standards? Clearly, both the 1975 Act and the Administrative Code fail to meet the New Jersey Supreme Court's mandate for "an equal educational opportunity for children....a system of instruction in any district of the state which is not thorough and efficient falls short of the constitutional command. Whatever the reason for the violation, the obligation is the state's to rectify it. If local government fails, the state government must compel it to act, and if the local government cannot carry the burden, the state must itself meet its continuing obligation." (Robinson v. Cahill, Supra at 513)

While the Court recognized "that there is a significant connection between the sums expended and the quality of the educational opportunity" (62 NJ at 481) it also recognized other factors which play a vital role in the educational result, such as "individual and group disadvantages, use of compensatory techniques for the disadvantaged and handicapped, variation in availability of qualified teachers in different areas, effectiveness in teaching methods and evaluation thereof, professionalism at every level of the system, meaningful curricula, exercise of authority and discipline and adequacy of overall goals fixed at the policy level. Hence while funding is an undeniable pragmatic consideration, it is not the overiding answer to the educational problem, whatever

the constitutional solution ultimately required" (N.J. Supreme Court decision of May 23, 1975)

While it is clear that just putting more dollars into schools will not necessarily improve their educational quality, increasing the quantity and quality of educational services to "thorough and efficient" levels, often cannot occur without increased funding.

Some suggest that the "overriding answer", the element most often responsible for educational improvement, is the dedication and commitment of administrators and teachers who believe their children can succeed, and strenuous labor to back up their commitment. However, not every educator believes that poor and minority children can succeed and not every educator is willing to work long hours at no extra pay. Nor should they have to. In order for many administrators and teachers to be able to succeed in eliminating the underachievement of poor and minority children, they may first need to be told by the state that they must help children achieve at least certain minimum competencies and second be provided the resources necessary for training, and for the kinds of additional professionals, paraprofessionals and materials already in use in many wealthier districts. Although more dollars guarantees nothing, frequently educational improvement can not take place without additional resources, effectively utilized.

Replacing locally developed pupil minimum proficiency levels with statewide levels insures that districts will identify all the children in their district who lack a thorough and efficient education. The next step is to provide the instruction and other services which meet their needs. For some children that might mean providing traditional remediation services which would frequently be available to those children if they lived in wealthier districts. That might mean hiring more reading specialists, more social workers, more psychologists. Other districts may decide to make curriculum changes, either to particular programs or to the entire teaching learning structure and process. There is no lack of literature which provides interested educators with successful models to choose from.

New Jersey's State Department of Education publishes annually, a collection of the most successful Title III programs in the state. These locally developed programs have all been validated by state and federal agencies and other districts can obtain state assistance if they wish to adopt them. The 1975-76 issue of "Educational Programs That Work" includes 16 such programs. Glassboro, for example, developed an individualized diagnostic-prescriptive K-3 reading program which raised childrens reading levels 1.5 years per eight months of instructional program. Morristown's individualized mathematics program enabled 67% of the children in grades 7 to 12 to increase their previous growth rate by 25%. Weehawken developed a program which substantially improved children's

writing skills.

Paterson's Dale Avenue School developed a comprehensive developmental skills program for Pre-K through third grade. Several years ago this school admitted only Title I children who had a group average "IQ" of 80. At the end of the first Pre-K year their group "IQ" was raised to 100, precisely the national norm. At the end of third grade, both the school average "IQ" and achievement was maintained at 100. Plainfield recently adopted the Dale Avenue program in one of its schools, with a similar group of children, and had precisely the same results.

Of course New Jersey need not limit its search for successful models to only those which are homegrown. Many other states have their own publications of successful programs, although New Jersey does have more federally accredited programs than any other state. The United States Office of Education publishes "It Works", which describes exemplary Title I programs. A review of the most successful Title I programs by the Research Management Corporation of California concluded that the most successful programs were those which used intensive pre and post testing, highly focused instruction, a small step highly structured format with immediate feedback, the use of the teacher as a diagnostician and supervisor, a diversity of materials including skill workbooks and very little use of basal readers, and extensive in-service training in the use of materials.

Another review by the Educational Research Corporation in Massachusetts concluded that there was no single pattern of factors that determine excellence. "Instead of imitating a model of excellence", the study concludes, "we recommend that schools focus on the process by which they can achieve excellence, each school thereby establishing its own brand or pattern of factors"*.

In the long run, educational success is most likely to take place when local professionals, in cooperation with parents, residents and students, select the programs which they believe will best suit the needs of the district's children. However, the state also has a critical role to play. By creating statewide minimum pupil proficiency levels, it insures that every child who needs help is identified, regardless of the child's socioeconomic characteristics or geographical location. The state can also make sure that children who are identified do in fact receive the help they need. The state can help local districts by disseminating information about the programs which have been successful throughout the state and the nation and by providing technical assistance to local districts which choose to install one of those programs. Finally, the state has the obligation to develop a state aid formula which insures that every district can carry

*"Success and Failure: A Summary of Findings and Recommendations for Improving Elementary Reading in Massachusetts City Schools" - E.R.C. Watertown, Mass.

out the required programs, because "if the local government can not carry the burden, the state must itself meet its continuing obligation". (Robinson v. Cahill, Supra at 513)

V. The Critical Role of the Teaching Profession

There is no question that exclusive reliance upon direction and guidance by state education department officials will not lead to fundamental change. Progress can only occur through the cooperative and long term efforts of parents, teachers, administrators and children, i.e. the process approach. Simply adding a requirement for statewide minimum pupil proficiency levels will not be meaningful unless it is eventually accepted and supported not only by state officials and administrators and parents but by the teachers themselves. To date, while many individual teachers are supportive, particularly minority teachers, the official spokesmen for teachers have formally expressed their opposition. Why? In their public statements they have expressed the fear that statewide minimum pupil proficiency levels in basic skills would be detrimental to the educational process in general and to underachieving children in particular. However, a more critical issue may be their concern that the existence of minimum proficiency levels may lead to a teacher accountability system. It is important to dispel both of these concerns if teachers are to ever support the statewide minimum proficiency concept.

Many teachers fear that statewide emphasis on basic skills may result in a reduction of emphasis on the broader aspects of education. Others fear the possibility that minimum standards will become goals or maximums, that setting minimum proficiencies may in fact lower our educational ideals. Another concern is that some teachers may mechanistically "teach to the test" in order to "look good". Some who admire the more humanistic child centered trend of the 60's fear a return to the rigid authoritarianism of earlier decades. It would be too glib to simply dismiss all these concerns as mere defensiveness. It could all happen. To a large extent, it depends on the teaching profession itself and how it responds to minimum competencies.

In those districts which would have relatively few children below state minimums and ample resources and programs which more than likely already provide adequate services to help such children achieve at least those minimums, why should existing broad educational programs be narrowed? Would the parents, administrators or staff encourage such a change? Not very likely. The Dale Avenue experience demonstrates that even in schools where very high proportions of children are deficient in basic skills, that a well rounded curriculum is both possible and necessary. In this school, children receive a highly diversified program in music, art, science, social studies, health and physical education, which enhances children's appreciation for aesthetics and self-expression at the same time as it emphasizes the basic skills of reading and mathematics. Clearly, it is impossible for

a child to be able to benefit from a diverse curriculum without those basic skills.

There is no question that all children do not have the same potential or interests and that teachers must strive to maximize the potential of each child. It is perfectly clear that the state can not and should not mandate the total scope and quality of each child's education. Nevertheless, the state does have the obligation to establish a floor below which no district may permit a child to fall without providing whatever instructional or other services are necessary to reach that floor; and that floor can not be different for the very same child who may move from one district to another. Developing a state evaluation program which ensures that "all districts in the state will be evaluated on the basis of pupil performance"*, but which permits each district to determine its own pupil performance criteria is clearly no evaluation system at all.

Professor A. Harry Passow, the Chairman of the Department of Curriculum and Teaching at Columbia Teachers College supported this view in a paper submitted to the NJEA on July 14, 1975.

> To suggest that by establishing the minimal standards or levels which will prepare children to function politically, economically and socially in a democratic society local districts would "stultify this process and in many cases would result in lowering aspirations for pupil performance", implies that any aspect of the educational process in which the Department sets minimal standards stultifies local initiative. Clearly, this is not so in other areas in which the Department has set minimal standards, floors below which no district may go. In this very crucial area, the State Department of Education must set minimal standards for outcomes---- as guidelines for local districts which should be encouraged to set standards above and beyond these minima.
>
> The purpose of evaluation is to ascertain the extent to which educational goals are achieved and, where there are discrepancies between goals and performance to narrow this gap. The guidelines must include direction for LEA's to take action within specific areas where outcome goals are not attained. It is not enough to know that inner city children are not achieving and schools are failing such children, it is not enough to promulgate rules on promotion and non-promotion. The guidelines must call for specific efforts in development and remediation through which LEA's provide for at least minimal functioning in political, social and economic areas for which the schools have responsibility.

In contrast with those who fear "teaching to the test", there are many who believe that teachers <u>should</u> teach to the test, when it comes to basic skills, so that children learn how to recognize and decode words, comprehend oral and written passages, and add

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*Memorandum from Commissioner Fred G. Burke to Joint Committee on the Public Schools- July 14, 1975.

and multiply figures. Further, setting minimum competencies in basic skills does not preclude a teacher from selecting among dozens of teaching methods, hundreds of texts and an infinite variety of teaching styles.

Similarly, setting minimum standards is in no way inconsistent with a desire to maintain a humanistic educational environment. Dr. Maurie Hillson, Chairman of the Rutgers Graduate School of Education Department of Science and Humanities has supported this view in recent correspondence with the NJERP.

> The contention of this writer is that it is necessary, if we are to realize a thorough and efficient education for all children of New Jersey, to mandate a statewide system of operationally defined standards in at least the basic skill areas of the educational or schooling process. To deny the professional capability to do this, is to deny a whole generation of research. Standards that deal with the acquisition of basic skills are extant, able to be defined and described in operational terms....and measurable. Without a major focus on a program that defines.... and monitors the implementation of....performance standards, the State will only support the already intolerable discrepant situation that occasioned Robinson v. Cahill and the court decision.
>
> ....To set standards and objectives to be attained and to contrive educational environments and teaching strategies to reach them does not mean in any sense that a consideration of the humanistic views are faulted or disregarded. The converse could be and is more often true. The lack of standards....has been destructive of learners and wholly anti-humanistic. Love, purpose, the self-concept, self-determination, self-actualization, purposeful connectedness--the whole affective domain as it is termed--are inseparable and mutually involved in the realm of cognitive accomplishments. The argument that when teaching one to read with methods and strategies that involve the goal of reaching standards you diminish the commitment to the affective area of growth is a spurious, and from all of the present research, an unfounded one. These domains--the cognitive and the affective--are not distinct. They are intertwined, integrated, in fact they may be symbiotic in nature.

It is easy to understand why some teachers fear that the creation of statewide minimum standards may lead to teachers once again becoming scapegoats for pupil underachievement. As long as state assessment results are used only to compare districts or schools or teachers or children, rather than for remediation purposes, there is always the danger of simplistic efforts which focus on seeking someone to blame for inadequate results rather than seeking solutions. In the past that kind of approach frequently has led to conflicts among parents and teachers and administrators, each blaming the other, rather than collective efforts to improve educational results.

It is worth noting at this point, that it is no longer an issue as to whether or not a district should set minimum competencies in basic skills. According to the Administrative Code, every district must set minimums, assess pupil performance and provide remediation services to children who fall below the minimums. The only remaining issue

is whether the minimums should be determined by each individual district, or for the state as a whole.

Every criticism by teacher spokesmen against statewide minimum competencies can be made equally against local minimum competencies. Nevertheless teacher spokesmen have endorsed local minimums, but not state minimums. Why? One reason may be the fear that districts with greater than average percentages of children who fall below statewide minimum competencies, may not have the fiscal capacity to provide the remediation services which are necessary. The result in such a district could be to demand better performance from teachers but not to provide the resources which may be necessary to achieve that performance. That is a legitimate and realistic concern. Clearly the only answer to that concern is a statewide funding formula which makes it possible for every district to provide the resources necessary to help all their underachieving children meet at least the statewide minimum competencies.

VI. Conclusion

The purpose of establishing statewide minimum competencies is not to fix responsibility or pin blame. It is not intended for evaluation of teachers or administrators or systems. Quite the reverse. In contrast to the state focus on district and school evaluation, the NJERP recommendation focuses on the individual child who is in need. It is intended to insure that each child who falls below a state defined minimum competency level, receives appropriate assistance, regardless of where that child may live and regardless of the childs' socioeconomic characteristics. Because the proposed Administrative Code focuses on evaluating districts and schools rather than children, and because the Department recognizes that not all districts currently have the resources to be able to achieve the same results, the Administrative Code encourages different goals and standards in every district. Because the NJERP proposal focuses not on evaluating districts or schools, but on the educational needs of individual children, it can logically recommend a minimum competency level which is the same in all districts.

The evaluation approach taken by the proposed Administrative Code, will necessarily diffuse the limited resources of the State Education Department, because it requires attention to the entire spectrum of the local educational planning, implementation and evaluation process as it affects all children in all 600 districts. By contrast, the NJERP recommendation would enable the Department to concentrate on the State's most serious problem, inadequate mastery of basic skills, by verifying through sample audit, that districts are in fact providing the required remediation response.

However, before the NJERP recommendation can be implemented, two fundamental questions must be addressed. At what level should minimum competencies be established? Do we have reason to believe that the educational system possesses the skills and technology to enable every child to achieve the desired level?

A conceptual guide for establishing minimum competency levels can be found in the language of the New Jersey Supreme Court. "The Constitutional guarantee must be understood to embrace that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market." These words make it clear that every child must be guaranteed not just a minimal education but a meaningful education, and that the definition must be a dynamic one, that is it must expand over time in response to changes in the larger society.

One task is to translate this definition into precise educational objectives. Should those objectives be the broad, real life skills which adults require or should they be limited to those which can easily be measured by pencil and paper tests? The answer may be yes to both. While it is desirable to identify basic skills in terms of real life characteristics, that may be a difficult and long term task which could be started now, but need not negate the immediate establishment of basic skills competencies in reading and mathematics as currently measured by the New Jersey Assessment Program. Given the fact that minimum competency standards in basic skills are already used by the United States Armed Services, Civil Service, and many industrial firms, the establishment of minimum competencies on the New Jersey Educational Assessment Program should not prove a difficult task.

Is there reason to believe that there exists a body of knowledge and skill which encourages confidence that educators can substantially raise educational achievement? There is no lack of research evidence describing successful programs throughout the nation. Actually, New Jersey has more federally validated, successful, cost effective programs than any other state in the nation. New Jersey has the knowledge. Setting statewide minimum competencies will establish the incentive, so that it will no longer be possible for administrators or teachers to establish lower minimum expectancy levels for poor and minority children than for all other children. Educators may not have all the answers they need to raise every single child to those minimum levels, but they surely have enough answers to get started trying right now. As more and more administrators and teachers strive to accomplish this task, there will be increasing numbers of successful programs which can be disseminated to those who have been less successful.

There is no question that districts with high concentrations of poor, minority children will have a higher proportion of children requiring special attention and

therefore a more difficult task than districts with low proportions of such children, particularly if they have limited fiscal capacity to raise the revenue necessary to provide the required services. The question then becomes--shall the state permit lower goals and standards in districts with greater educational problems and limited fiscal capability, or shall the state develop a funding formula which insures that a reasonable tax effort in every district can yield the revenue necessary to overcome those problems? That is the fundamental issue before New Jersey's citizens, legislators, State Board of Education and Supreme Court.

VII. Appendix

1. Summary of the 1975 Public Education Act - Article II - Goals, Standards and Guidelines; Procedures of Evaluation; Enforcement.
2. Summary of the New Jersey Administrative Code.
3. Memorandum of the New Jersey Education Reform Project - "Recommendations Regarding the Proposed Rules on Thorough and Efficient Education" June 25, 1975.
4. New Jersey Manufacturers Association Committee on Education Statement to the State Board of Education November 14, 1975.
5. Committee Report to Commissioner Burke, et.al. "Recommended Procedures Regarding State Monitoring of Local Districts' Minimum Pupil Levels of Proficiency in the Basic Communication and Computational Skills" November 5, 1975.
6. State Board of Education "Our Schools" Goals.

I. Summary of the 1975 Public Education Act - Article II Goals, Standards and Guidelines; Procedures of Evaluation; Enforcement.

4. "The goal of a thorough and efficient system of free public schools shall be to provide to all children in New Jersey, regardless of socioeconomic status or geographic location, the educational opportunity which will prepare them to function politically, economically and socially in a democratic society."

5. Guidelines of a thorough and efficient system:

   Evaluation and monitoring at both state and local levels.

   Local goals established with public involvement.

   Instruction to produce reasonable proficiencies in basic skills.

   Breadth of program to develop individual talents and abilities.

   Support services for all children especially educationally disadvantaged and with special educational needs.

   Adequate facilities and supplies, qualified personnel, efficient administrative procedures and adequate research and development.

6. State board shall establish goals and standards* applicable to all public schools and rules for establishment of local goals, objectives and standards.

7. Each local board shall establish local goals, objectives and standards.

8. State board, at least every five years, shall update State goals and standards.

9. Commissioner, at least every five years, shall issue a public report of statewide needs assessment and State goals and standards for local districts to update local goals, objectives and standards.

10. Commissioner shall administer a statewide performance evaluation system, including annual testing of basic skills, to determine pupil needs, ensure pupil progress and assess degree of attainment of objectives.

11. Each district shall prepare an annual report including: demographic and fiscal data; state and local test results; attainment of state and local goals and objectives; professional and school improvement plans and innovation programs; periodic facilities survey. Local information to be included in Commissioner's annual progress report.

12-13. Commissioner shall evaluate the effectiveness of this act and the performance of all districts, four years after passage of the Act and every two years thereafter.

14. Commissioner shall mandate remedial plans in districts showing insufficient progress

15-16. If local remedial plans are deemed insufficient, Commissioner can order budgetary changes, training programs and specific remedial plans and use Court orders to compel local compliance.

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*Definition - "The process and stated levels of proficiency used in determining the extent to which goals and objectives are being met."

II. Summary of the New Jersey Administrative Code

2. State Educational Goals and Standards

2.1 The State goals are the State Board "Our Schools" outcome and process goals

2.2 The State standards are described in 6:8-3&4 below.

2.3 State goals and standards must be updated at least every five years by the State Board and Joint Committee on Public Schools.

3. Standards and Procedures for Establishing Educational Plans

3.1 Each district board in consultation with chief administrator and staff shall develop annually a written plan for each school and district, including an implementation schedule, the long and short range objectives of a five year cycle and standards for evaluating achievement of the objectives.

3.2 Written goals developed in consultation with staff,pupils, parents and residents, based on local needs and consistent with the intent of state goals shall be the basis for educational programs and be updated at least every five years. The district shall provide opportunity for comment at a public meeting.

3.3 Objectives and standards shall be based upon goals and developed by the chief administrator in consultation with staff.

3.4 Staff shall assess pupil achievement and needs through observation, parent interview, pupil records, local and state testing and medical examination. Status of school and district objectives shall also be assessed.

3.5 Curriculum shall be developed by the chief administrator, in consultation with staff and be consistent with goals, objectives and pupil needs; develop individual talents and interests and serve diverse learning styles; provide effective articulation between and among districts and schools; provide continuous access to library /media programs and services; provide career and academic guidance; provide educational programs and services for all handicapped children; provide bilingual programs for pupils whose dominant language is not English; provide compensatory programs; provide equal educational opportunity to all; provide career awareness and vocational education; provide opportunities for gifted and talented pupils.

3.6 Instruction by staff, to achieve goals, objectives and standards shall include: an environment which fosters positive feelings by pupils towards self and others; creative use of methods, materials and equipment; pupil studies of individual, school and community problems; directed and self-selected pupil activities; organization and pupil assignment reflecting individual pupil needs; effective use of personnel, resources and facilities of school and community; emphasis on interrelatedness of knowledge and learning.

3.7 Continuous evaluation by staff of each child's progress towards goals and objectives, and an annual public report of district evaluation results.

3.8 Establish reasonable pupil minimum proficiency levels in the basic communication and computational skills. Provide remedial programs for pupils not meeting those levels, to include: instruction and services to meet pupil needs; ongoing communication between parents and staff; evaluation

of achievement of remedial program objectives and standards; evaluation of remedial program effectiveness; state monitor of district minimum proficiency levels, pupil growth rates and remedial programs and services; biennial state evaluation of district progress towards attainment of minimum proficiency levels.

4. Policies and Procedures to Assist in Implementing the Educational Plan

4.1 District shall develop a policy for reporting pupil progress.

4.2 District shall develop policies for promotion and graduation, related to district goals, objectives and pupil proficiency, with particular reference to basic communication and computational skills.

4.3 District shall employ only certified staff based upon the instructional needs of pupils. Each school shall have a full-time non-teaching principal, subject to exception by Commissioner. Assistants to principals shall be provided when necessitated by school enrollment, program or operation complexity. District shall provide sufficient child study team personnel to insure implementation of pertinent law and regulation. District shall maintain a list of certified substitute teachers and provide them with orientation and training. District shall provide sufficient support services, including secretarial, janitorial, maintenance, cafeteria and transportation.

4.4 Staff in-service programs shall be developed in consultation with chief administrator and staff to meet identified priorities.

4.5 District shall provide instructional materials to implement goals and objectives and meet pupil needs, with staff consultation regarding selection and utilization

4.6 District shall provide parents and other residents opportunities for orientation regarding state regulations and local procedures for implementation of district goals, objectives and standards. Staff in consultation with parents, pupils and other residents shall identify community resources, services and needs in planning for educational improvement.

4.7 District shall adopt efficient administrative procedures, including sound fiscal operations and effective management procedures.

4.8 New school facilities shall reflect current research on the relationship of design and size to program and a positive learning environment. Each building and site shall provide suitable accommodations to implement the school's program, including provision for the handicapped. All buildings shall be safe, clean, attractive and in good repair.

5. Review and Approval of Proposed Budget

District shall submit to the county superintendent, before December 1, the proposed budget for the next year, including the number of teaching staff and other employees for the current and budget years and a line item or other authorized budget format. The county superintendent shall evaluate the adequacy of each budget appropriation with regard to the annual reports and long and short range objectives, prior to its advertisement. If changes are recommended, the county superintendent shall consult with the chief administrator and district board.

6. Procedures for Evaluation of the Performance of Each Public School District and School

6.1 The commissioner shall conduct an annual uniform, statewide evaluation to ensure that each school and district is performing according to state standards and procedures. Each district shall submit by July 1 a report describing district and school progress towards goals, objectives and standards, to be part of the commissioners annual evaluation. The report shall be submitted on state forms and include: demographic data by school; assessment of pupil achievement in basic skills by school and district; dropout data; evidence of effectiveness towards achievement of applicable state, district and school goals, objectives and standards; plans for school and professional improvement; plans for innovation or experimentation; projections of capital needs; fiscal data including the district audit report.

6.2 The commissioner shall classify each school and district as approved, conditionally approved or unapproved, based upon annual report, monitoring and visitations. Classification shall be reported to the public by the district and a list maintained by the county superintendent.

7. Corrective Action

7.1 The chief administrator and board of a conditionally approved or unapproved school or district shall submit a remedial plan by a specified date. The commissioner shall assure its timely and effective implementation.

7.2 Plans which are insufficient or poorly implemented shall lead to show cause action by the commissioner, who may order budgetary changes within the district, order in-service training or recommend State Board action.

7.3 The State Board shall order a remedial plan which may include budgetary changes and other appropriate measures.

NEW JERSEY EDUCATION REFORM PROJECT
Greater Newark Urban Coalition, Inc.
24 Commerce Street
Newark, N. J. 07102
(201) 624-7475

MEMORANDUM

TO: Fred G. Burke, Commissioner of Education

FROM: New Jersey Education Reform Project Advisory Committee
(Schedule of names attached)
DATE: June 25, 1975

SUBJECT: Recommendations Regarding the Proposed Rules on Thorough and Efficient Education

The Advisory Committee of the New Jersey Education Reform Project conducted intensive discussions regarding the desirability of statewide minimum standards in basic skills. It is the Committee's recommendation that Section 6:8-2(a)3vii be replaced with the following paragraph and that the Definitions section include the additional phrase shown below:

6:8-2(a)3 vii

For each child who falls below the statewide minimum standards in one or more of the basic skills, the local district shall follow this sequence of events:

a) Retest child to validate accuracy of test results.

b) Notify parents.

c) Develop a program of instructional and other services which is designed to enable the child to achieve at least the minimum standards appropriate to the child's age, and send a copy of the program to the child's parents.

d) Conduct follow-up assessment at least bi-monthly and report results to parents.

6:8-11 Words and phrases defined - Add the following:

"Statewide minimum standards in basic skills" - Performance objectives for specified grade levels in reading skills, reading comprehension, mathematics skills and mathematics comprehension, expressed in terms of specified behaviours or numeric scores, established by the State Board of Education in

cooperation with New Jersey educators, parents, employers and students.

It is the Committee's view that the State has the obligation to identify the minimum performance levels in basic skills which are considered absolutely essential for a child to function as a citizen and as a worker. In addition, the State has an obligation to encourage districts to provide the broadest possible curriculum alternatives for all children. However, given the desire to maximize local input and minimize State influence upon curriculum content, organization structure, staffing and instructional methods, it is our view that the development of statewide minimum achievement levels be limited to the basic skills only.

The Committee considered whether it would be desirable to hold back or condition the High School diploma of a graduate who fails to achieve the statewide minimum competencies in basic skills appropriate for graduation. The conclusion was that it would be unfair to further penalize such a child. However, a question remained. How then could the local district, the staff, parents and children be motivated to help such children accomplish at least those minimum achievement levels?

We concluded that the State should establish minimum competency levels for specified grades. Those grades could be the very ones now tested in the State Assessment program; 4,7 and 10. We have questioned testing professionals, both within and outside the State Education Department. There is no question that the state of the art permits the development of those minimum competency levels. Expert testimony to that effect can be presented if desired.

The program we have recommended to replace Section vii requires that the local district must develop a remediation program which is designed to assist every child who has fallen below the state minimum standard in one or more of the basic skills. The purpose is to enable the child to increase his/her achievement level to at least the state minimum established for the subsequent grade level test to be taken by the child.

If state minimum standards are established only for grades 4, 7 and 10, local districts should establish their own interim guidelines for all other grades, which are at least at a level consistent with the state's standards for grades 4,7 and 10. Local districts could use whichever tests they deem appropriate in order to identify those children who may fall below state minimum standards in subsequent grades. The purpose is to initiate remediation services in interim grades as well as in grades tested by the State Assessment Program.

The Advisory Committee concluded that a necessary part of the remedial program would be to advise the child's parents, and to indicate that the State required the district to provide specified services. The purpose is to maximize the knowledge and involvement of the parents in the school's efforts to improve the child's skills.

We assume that the State's evaluation process will include at least two steps which will be concerned with the proposed remedial program. One step would be for the State's representative in the district to ascertain whether the program has in fact taken place with respect to every appropriate child. A second step would be to insure that the district has a general education program and budget which includes as a primary focus, the reduction of the percentage of children who fall below the State's minimum guidelines.

It is our view that the Proposed Rules, as now written, will diffuse the energy and resources of the State Education Department and result in protracted delays in the development of district responses to state criticism regarding failure to meet uncertain goals and standards. In the meantime, those children who are most in need will continue their patterns of failure. By contrast, our recommendation identifies specific conditions which require immediate attention to the needs of particular children. It is intended to insure, to the extent possible, that by the time a child graduates from the New Jersey school system, that he or she possesses at least those minimum skills necessary to function as an adult. The purpose of the proposed system is to insure that every child receives the help necessary to achieve that goal.

New Jersey Manufacturers Association,
Committee on Education
Statement to the
State Board of Education
November 14, 1975

Our commentary on the October 1, 1975 draft "T&E" regulations will be restricted solely to the question of State minimum proficiency standards for communications and computational skills. We believe there are compelling reasons for the board to reconsider the merits of developing such standards.

We are neither seeking immediate adoption of State minimum proficiency standards nor introduction into the code of such standards at this time. Instead, we urge that the board adopt a one-year timetable for development of such standards and modify N.J.A.C. 6:8-3.3(b)4. to require reporting of each district's and each school's effectiveness in achieving State and district standards. At the same time, the code must demand of districts that local standards contemplate progress in improving the level of student proficiency and demand no less than what is reasonably attainable.

We believe the development of State minimum proficiency standards for the basic skills is

> desirable because it would make mastery of the basic skills a first priority of the public schools,
>
> essential because, as a practical necessity, the approval process requires the application of a State standard to judge sufficiency of district goals and standards, and
>
> required by an express provision of Chapter 212, Laws of 1975.

Basic Skills As A First Priority

The debate over State minimum proficiency standards has focused on the need for "attainment of reasonable proficiency in the basic communications and computational skills". (Article II, Sec. 5.c., Chapter 212, Laws of 1975)

The problem of functional illiteracy, the enrollment of a large number of New Jersey's college freshmen in remedial language courses, and the army of unskilled individuals on unemployment rolls are unmistakable signs of failure. Unless basic skills are mastered early in a child's schooling, progress through advanced subject matter is discouraged and the process of schooling becomes one of defeat and humiliation. Schooling which fails to produce mastery of the basic skills fails to prepare individuals who can compete in the labor market or function successfully as citizens.

The most persuasive argument for state minimum standards may well be that they would compel schools to give highest priority to improving the achievement of students lagging in the basic skills and would cause schools to reallocate available time, staff and resources to that end.

The Practical Necessity of State Standards

Chapter 212 and the proposed "T&E" regulations delegate responsibility to local school districts to satisfy the education mandate of the New Jersey Constitution. To insure satisfactory performance of that responsibility, the regulations set forth State goals, require that local districts develop goals "consistent with State goals" and "written objectives and standards consistent with State goals and standards" (N.J.A.C. 6:8-2.1(a)1 and 2).

The classification of a particular school district or school as "approved", "conditionally approved" or "unapproved" (N.J.A.C. 6:8-3.4) will depend, in part, on whether the district has developed goals, objectives and standards "consistent with State goals." This judgment will be rendered, under the authority of the Commissioner, by staffs in 21 separate county offices.

Only the establishment of standards can convert the general language of state goals into particular expectations whose accomplishment can be objectively

determined. The imprecision of goals makes it practically and objectively impossible to determine whether school and district goals are "consistent with State goals", or whether local objectives and standards are consistent with State goals and standards, unless both state and local standards, defining and giving substance to such goals, are stated in writing to permit comparison.

Notwithstanding the absence of precisely determinable, written State minimum standards, county staffs will be obligated to judge the adequacy of local standards. Inescapably, this determination will involve a measuring of local standards against what is understood by the reviewer to be minimum acceptable State standards. The effective functioning of the proposed educational process plan requires that failure of districts to establish sufficient standards of proficiency be identified in order to trigger appropriate corrective actions.

Since the application of State standards is an unavoidable part of the process plan, the formulation of standards is equally unavoidable. Either school districts will be confronted with clear, determinable, written State standards, uniformly applied and open to public debate, or they will be confronted with varying and indeterminate standards applied by the staffs in 21 separate county offices.

The alternatives of (1) written standards or (2) varying, unwritten standards do not exhaust all possibilities. A third alternative -- one that threatens educational quality -- is that county staffs, lacking specific State minimum standards, may pay little attention to local goals and standards in the evaluation and approval process. Nothing could more effectively hamper the effectiveness of the regulatory process or more directly defeat the intent of the constitutional mandate.

The Statutory Requirement of State Proficiency Standards

Whatever the board's view of the desirability of State minimum standards, Section 6 of Chapter 212, Laws of 1975, appears to compel their establishment:

"6. The State board, after consultation with the Commissioner and review by the Joint Committee on Public Schools shall (a) establish goals and standards which shall be applicable to all public schools in the state, and which shall be consistent with the goals and guidelines established pursuant to sections 4 and 5 of this act, and (b) make rules concerning procedures for the establishment of particular educational goals, objectives and standards by local boards of education."

The question of whether the "standards" referred to in Section 6(a) are procedural standards, proficiency standards, or both, is answered by Section 3 of Chapter 212, which defines the term "standards" as encompassing both process and proficiency levels:

"'Standards' means the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met."

Nothing in Section 6(a) in any way qualifies the use of the term "standards" to indicate any difference in meaning from the statutory definition. In fact, the use of the word "standards" as part of the phrase "goals and standards" is a clear indication that what is required of the board is the development and enunciation of the educational aims of the State in both general and more specific terms. To interpret Section 6(a) merely as a general charge to the board to establish procedural standards ignores numerous sections in the balance of the law which establish specific procedures required for the operation and regulation of the school system.

An Outward Looking Function of the Code

In the last analysis, no minimum proficiency standard, whether State or local, can assure a system of public schools responsive to the constitutional imperative unless the effort has first been made to determine the levels of proficiency required in the basic skills for an individual's success as a citizen and as a competitor in the labor market.

One important reason for reliance on State minimum standards is the greater ability of the State to determine, on a broad scale, the level of proficiency (1) expected of job applicants (as reflected in business applicant tests and civil service examinations), (2) necessary for job performance (the language of operating and instruction manuals) and (3) essential to the understanding of such common materials as ballot instructions, consumer contract provisions and driving manuals.

Conclusion

Businessmen view themselves as the largest consumer of the skills public schools are employed to impart. We share a major portion of the cost of operating free public schools and a substantial share of the costs of failure (subsidizing those who lack sufficient, saleable skills to provide for their own and their families' support). What is truly tragic is the carnage in broken hopes and wasted potential which educational failure has produced.

We sincerely urge the board to initiate the development of clear, outward looking standards as an essential element in the educational process.

State of New Jersey

DEPARTMENT OF EDUCATION
225 WEST STATE STREET
P. O. BOX 2019
TRENTON, NEW JERSEY 08625

November 5, 1975

To: Fred G. Burke, Commissioner of Education
Ralph Lataille, Deputy Commissioner
Gary Gappert, Assistant Commissioner of
Research, Planning and Evaluation

Subject: Recommended Procedures Regarding State Monitoring of Local Districts' Minimum Pupil Levels of Proficiency in the Basic Communication and Computational Skills

The State Board of Education and the Commissioner, through the proposed new governance rules and regulations of a thorough and efficient system of education N.J.A.C. 6:8, will require all districts and each school within the district to plan and implement programs for continuous improvement in accordance with the locally identified priority needs of pupils.

The State Board's procedure for annual approval of each school and district shall include, in part, monitoring of the local evaluation process that measures pupils' levels of proficiency and the results of remediation and corrective programs. The local system for improvement shall include but not be limited to the following:

1. Standards or minimum levels of proficiency established by local districts and schools for program objectives which are reasonable in relation to pupils and school resources.

2. Assessment procedures which are adequate to measure pupil achievement related to each program goal.

3. Pupil assessment results for each school will be provided at appropriate grade levels to make correction and remediation reasonable and progressive.

4. Determination of priorities for program improvement based upon the discrepancies between the established standards and assessment results.

5. Programs and supportive services for pupils falling below the locally established minimum levels of proficiency primarily in the areas of basic communication and computational skills. Communication shall be maintained with parents or guardians of pupils participating in basic communication and computational improvement programs.

6. Program improvement plans for special education, bilingual and other pupils with exceptional needs.

7. Public meetings which permit community review and discussion of the assessment analysis, minimum levels of proficiency and the priorities proposed before approval by the Board of Education.

8. Adoption of board policies for promotion and graduation which meet code standards.

The standards, educational assessment plan, improvement programs, the legislation, administrative code and Department guidelines constitute a comprehensive planning system. The planning system will include community, professional and student inputs that result in a thorough and efficient system of education within the bounds of human, material and financial resources.

Perhaps, after studies are conducted and findings are evaluated over a period of no less than three years, the Department will recommend to the State Board the establishment of statewide minimum competency standards. But, when they do so it will be because they have carefully sifted through all the evidence and have clear indications that such a course of action has, in some instance, produced a desired result.

The establishment of statewide minimum levels of proficiency at this time without consideration of societal factors which affect individual pupil development may help shift to the school system the blame for society's inaction on a host of economic and social reforms. If the purpose of establishing minimum levels of proficiency is to fix responsibility and blame, then the decision to introduce them will probably move toward the traditional power model relationship of negotiations. If, on the other hand, the Legislature and the State Board are developing an accountability model which has, as its

primary focus, educational planning for school districts based on the needs of pupils, this can be accomplished at this time in a less strident atmosphere of cooperation and consensus.

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VI. State Board of Education "Our Schools" Goals

Educational Outcome Goals

The public schools in New Jersey shall help every pupil in the state:

1. To acquire basic skills in obtaining information, solving problems, thinking critically and communicating effectively.

2. To acquire a stock of basic information concerning the principles of the physical, biological and social sciences, the historical record of human achievements and failures and current social issues.

3. To become an effective and responsible contributor to the decision-making processes of the political and other institutions of the community, state, country and world.

4. To acquire the knowledge, skills and understanding that permit him/her to play a satisfying and responsible role as both producer and consumer.

5. To acquire job entry level skills and, also, to acquire knowledge necessary for further education.

6. To acquire the understanding of and the ability to form responsible relations with a wide range of other people, including but not limited to those with social and cultural characteristics different from his/her own.

7. To acquire the capacities for playing satisfying and responsible roles in family life.

8. To acquire the knowledge, habits and attitudes that promote personal and public health, both physical and mental.

9. To acquire the ability and the desire to express himself/herself creatively in one or more of the arts, and to appreciate the aesthetic expressions of other people.

10. To acquire an understanding of ethical principles and values and the ability to apply them to his/her own life.

11. To develop an understanding of his/her own worth, abilities, potentialities and limitations.

12. To learn to enjoy the process of learning and to acquire the skills necessary for a lifetime of continuous learning and adaptation to change.

Educational Process Goals

The public schools in New Jersey shall provide:

1. Instruction which bears a meaningful relationship to the present and future needs and/or interests of pupils.

2. Significant opportunities, consistent with the age of the pupil, for helping to determine the nature of the educational experiences of the pupil.

3. Specialized and individualized kinds of educational experiences to meet the needs of each pupil.

4. Opportunities for teaching staff members and pupils to make recommendations concerning the operation of the schools.

5. Comprehensive guidance facilities and services for each pupil.

6. An environment in which any competition among pupils is positive.

7. Resources for education, used with maximum efficiency.

8. Teaching staff members of high quality.

9. Diverse forms of constructive cooperation with parents and community groups.